IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7304 OF 2005

Ajit Kishor Keswani & Anr. .. Petitioners.

vs.

Shankar Ganpat Kale & Ors. .. Respondents.

Mr. G.S. Godbole for petitioners.

Mr. R.S. Apte with M.S. Lagu

for respondents nos. 1 to 3.

CORAM : S.U. KAMDAR, J.

DATE : 23rd November, 2005.

P.C.:

. The learned counsel for the petitioner seeks leave to withdraw the present petition. Petitioner dismissed as withdrawn. However, the trial Court i.e. Civil Judge, Junior Division, Pimpri is directed to frame a preliminary issue under Section 9A of the Civil Procedure Code for determination whether that Court has pecuniary jurisdiction to maintain and try the present suit or not. The trial Court will thereafter proceed and decide the said issue independently and without taking into account the order impugned herein. The trial Court will

decide the said matter afresh and on its own merits. All contentions on merits are kept open. With the aforesaid directions the petition is dismissed. No order as to costs.